



An
Bord
Pleanála

Inspector's Report ABP-300997-18

Development	Upgrade of Access road permitted under P. A. Reg. Ref. 16/437 for filling station forecourt and drive through facility and LIDL premises and associated site development works above and below ground.
Location	Fararannamartin, Tuam, Co. Galway.
Planning Authority	Galway County Council.
P. A. Reg. Ref.	17/1321
Applicant	Steeltech Garden Sheds Ltd.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	Steeltech Garden Sheds Ltd.
Date of Site Inspection	24 th May, 2018.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 1,042 square metres is located on the east side of the Galway Road of the R 942 (formerly the N17) and within an area where a maximum 50 kph speed limit applies at the edge of Tuam. The Steeltech Sheds premises which is set back from the road frontage behind the permitted filling station has an access road and surface carparking to the front. P. A. Reg. Ref. 16/437 refers. – see section 4 below.) The site of the existing LIDL outlet is to the south, the site of which has the benefit of a grant of permission for redevelopment incorporating enlargement of the site and it has a separate entrance off the R942. (P. A. Reg. Ref. 17/1320 refers. – see section 4 below.) The immediate area is characterised primarily by, commercial, industrial and retail warehouse developments surrounded by some residential development.
- 1.2. The Tuam Bypass M17/N17 access route roundabout is located circa three hundred metres the south. At the frontage to the LIDL development there are hatched markings and right turning storage lanes. There are footpaths and street lighting on both sides of the road between the town centre and the M17/N17 roundabout. At the time of the inspection it was observed that sightlines to the edge of the carriageway from circa three metres at the existing entrances to Steeltech and LIDL developments are unobstructed at fifty metres or over in both directions.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for upgrade of the access road previously permitted under P. A. Reg. Ref. 16/437 to serve filling station forecourt and drive through facility and LIDL premises and associated site development works above and below ground. This would provide for a shared access and entrance on the R 942 for Steeltech Sheds, the permitted filling station and for the LIDL premises the redevelopment of which is planned.
- 2.2. It is stated in the further information submission that:

- the proposed upgrade and modification of the existing access road serving Steeltech Sheds would result in an upgraded access to Steeltech sheds with provision for additional connections for other developments and that:
- The application is limited in scope for consideration in the current proposal are Geometry of the access road, and whether the principle of serving adjoining lands by the access road is appropriate. It entails an amendment to the permitted development for the filling station facilitating connection to the access road and provides for an access point for the future redevelopment of LIDL if a future grant of permission is obtained and implemented.

2.3. The further information submission includes a detailed statement prepared in association with SRC consulting on technical standards and standards and policy and includes a traffic and roads report, revised proposals for access, a copy of a stage 1 Road Safety Audit. (RSA) The traffic and roads report and RSA were prepared and submitted with the application lodged with the planning authority under P. A. Reg. Ref. 16/437. (See Planning History – section 4. Below.)

3.0 Planning Authority Decision

3.1. Decision

By order dated, 30th January, 2018 the planning authority decided to refuse permission for the following reason which is reproduced in full below:

“ The proposed development, having regard its prematurity pending the completion of the upgrade works to the existing access road to serve the proposed development as permitted under file reference 16/437 (ABP 247306) and the implementation of traffic management measures associated with the same would, if permitted, adversely impact on the strategic road network in the vicinity of the site, would further intensify traffic movements on an existing access point on the N17 would materially contravene Objective T1 6 of the Galway County Development Plan, 2015-2011 & Objective RT2 RT5 and RT10 of the Tuam LAP 2011-2017, and would be at variance with the DOECLG Spatial Planning and National Roads Guidelines for Planning

Authorities (January 2012). Accordingly to grant the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, would have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site, and therefore would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer, further to review of the further information submission and the comments and recommendations of the Roads and Transportation unit indicated a recommendation for refusal of permission in his report.

Other Technical Reports

- 3.2.2. The comments of the Roads Engineer in an email to the planning officer dated 26th January, 2018 indicates a recommendation for refusal of permission on grounds of premature development due to partial implementation of an existing grant of permission which provides for two right turning lanes, one for each permitted access whereas the current application indicates proposals for one right hand turning lane for one access only which would lead to road safety risk.
- 3.2.3. Separately it is stated that the closing of the existing access and the opening of a new access shall not be permitted for traffic safety reasons.
- 3.2.4. The statement also includes acknowledgement of supplementary proposals for retention of the existing entrance with modification which is accepted. A draft condition in which a compliance submission is required for the design of the alterations to the existing entrance on Drawing RC 105 103 is included in the further information submission. It is to include a new RSA because of the narrowed access for movement of HGVs to and from the public road causing encroachment on opposite lanes and details providing for pedestrian safety at the access.

3.3. Prescribed Bodies

- 3.3.1. Transportation Infrastructure Ireland (TII): In the report dated, 30th January, 2018 it is stated that there is no objection to the proposed development.
- 3.3.2. A prior report of TII dated, 18th September, 2018 is included in the application submission. It is stated in it that the proposed development is at variance with the DOECLG *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and would adversely affect the operation and safety of the national road network. Recommended in the report is a requirement for an RSA to be carried out with recommended amendments to existing grants of permission therein being subject to conditions.

4.0 Planning History

- 4.1. According to the planning officer report the appeal site and adjoining lands have the following relevant planning history:

P A Reg/ Ref/ 17/1320: Permission was granted for demolition of the existing LIDL store and construction of a new LIDL store on an enlarged site the existing site being increased in size from 0.67 hectares to 1.12 hectares, redevelopment and extensions to the existing surface carpark closure of the existing entrance and provision for new shared access' is via an upgraded entrance road shared with the permitted filling station (P.A. Reg. Ref. 16/437 refers.) and Steeltech Sheds and all associated works.

P. A. Reg. Ref.16/437: Following First Party Appeal a planning authority decision to refuse permission was overturned and Permission was granted for a new filling station, forecourt and pumping islands, and 'drive-thru' facility inclusive of retail convenience store, an off-license unit, underground fuel storage, drainage and landscaping and ancillary structures. The roads layout indicates access points at each end of the site frontage and right turning lanes on the centre of the carriageway.

Details of other prior grants of permission, relating to LIDL and DOE testing stations, now expired, are included in the planning officer report. (P. A. Reg. Refs. 10/1742, 05/3879. 01/2807, 99/3806 and 98/1371 refer.)

5.0 Policy Context

Development Plan

- 5.1. The operative development plan is the Galway County Development Plan, 2017-2013. (CDP)

The operative Local Area Plan is the Tuam Local Area Plan 2011-2017. (LAP)

The site location is within the development boundary and subject to the zoning objective: Business and Enterprise.

Policy Objectives T1, 6 provides for the protection of the capacity and safety of strategic national strategic and important regional routes.

Within the LAP, Objectives RT2 and RT3 provide for the protection of the M18/M17 Gort to Tuam motorway within the area of the LAP from future development.

Objectives RT5 and RT 10 of the LAP provide for protection of the Tuam Inner Relief Routes scheme within the area of the LAP and routes of future inner relief routes from future development.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from The Planning Partnership on behalf of the applicant on 23rd February, 2018.

- 6.2. According to the appeal the proposed development is part of an overall development strategy for the Steeltech and LIDL lands the objective of which is to deliver coordinated regeneration of a landbank. The current proposal therefore rationalises the existing access road off the Galway Road which is already to be upgraded to serve the permitted filling station and Steeltech Sheds. The proposed development is consistent and compatible with the permitted development and would supersede the permitted access road footprint for the permitted Filling station which would tie in to the proposed access road. This could be addressed by conditions attached to

the grants of permission under P. A. Reg. Ref. Ref. 16/437 / PL 07 247306 and inclusion of a condition with a grant of permission for the current proposal.

6.3. It is argued that:

- The decision is incorrectly based on an assumption that the proposed development is reliant on the implementation of the grant of permission under P. A. Reg. Ref. Ref. 16/437 / PL 07 247306 which would be replaced and superseded but which would involve the balance of works when implemented. A condition could be attached to clarify interaction with the filling station development such as:

“.... Prior to the commencement of Reg Ref 16/437 revised drawings showing access arrangements from the filling station to the access road permitted herein, and any associated/necessary internal site layout modification shall be submitted to, and agreed in writing with, the Planning authority....”

Or

“.... The development permitted under Reg. Ref. 16/437 shall not create or avail of vehicular access through this development unless or until details of the proposed arrangements and any associated and ancillary layout modification are submitted to and agreed in writing with the Planning Authority...”

The proposed development is therefore not premature as it includes appropriate road upgrade works. The implementation of upgrade works by the applicant is not reliant on third parties.

- The proposed development provides for rationalisation and consolidation of access points which is strongly encouraged in traffic and planning policy.
- The proposed development would not create or intensify traffic. The principle of shared consolidated access has been established in the grant of permission for the filling station. (P. A. Reg. Ref. Ref. 16/437 refers.)
- The route has been downgraded to a Regional route and it is demonstrated that traffic levels have significantly reduced since the opening of the bypass and M17.

- The proposed development is an upgrade to an existing access road facilitating the permitted filling station, the LIDL store upgrade and expansion, (by separate application) and existing Steeltech Sheds' business.
- The planning authority is asserting that existing access to LIDL is acceptable in traffic generation terms and that the shared access to the new expanded LIDL store is unacceptable. The planning authority's issue is over how traffic accesses the proposed LIDL store as opposed to traffic volumes and its preference is to retain use of the existing LIDL store access. The Traffic report and RSA demonstrate that the proposed development can accommodate the traffic generated by the filling station, expanded LIDL store and Steeltech Sheds.
- The proposed development complies with and is not in material contravention of the Galway County Development Plan 2015-2021. The issue of material contravention having regard to the criteria in Section 37 (2) (b) of the Planning and Development Acts 2000-2017 do not arise. The R942 is not part of the National or strategically important regional road network and is within the 50 kph speed limit area, has no Impact on the M18/M17 motorway.
- The proposed development is not in material contravention of the Tuam Local Area Plan. The Tuam Inner Relief Roads/Streets scheme routes are a considerable distance from the site location. (Routes shown on Map 1A and 1B of the LAP refer.) The draft 2018-2024 LAP does not raise any issues.
- The proposed development is not at variance with the *DOECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* The access is on a regional route and not on a national route; the grant of permission under P. A. Reg. Ref. 16/437 / PL 07 247306 establishes precedent for an upgraded access road in the area and, TII, has no objection.
- The Road Safety Audit demonstrates that the development would not cause traffic hazard. The design is guided by an extant permission for an upgraded access road. The proposed development does not have any impact on the capacity and safety and operational efficiency of the road network in the vicinity which is no longer a national route. The existing entrance to LIDL is

closer to the M17/N17 junction so on 'first principles' the proposed location is preferable.

6.4. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

The issues considered central to the determination of a decision and discussed below are:

- Strategic roads policy and objectives.
- Cumulative impact on traffic volumes and movements generated by development accessed from the proposed upgraded access road.
- Impact on Inner Relief Routes Scheme.
- Public safety at entrance onto R942.

7.1. Strategic Roads Policy and Objectives.

In principle, national strategic roads policy for discouragement of development access to which would affect capacity safety or operational efficiency of the strategic road network within the vicinity is not of direct relevance. To this end, concerns as to obstruction of safe and free flow of traffic on national and regional routes is not at issue in that the access is to an internal urban route. This is acknowledged in a TII report on the prior successful application for the filling station on the lands to the front of the Steeltech sheds site. (P.A. Reg. Ref. 16/437 refers). The location is urban and within the 50 kph. speed limits on the on principal approach route to Tuam between the town with the junction providing for access to the M17 and other routes within the national road network. This route, the former N17 was downgraded from national status to its current regional route status further to the commissioning of the M17 Tuam to Gort. The reasoning for refusal of permission based on national strategic roads policy is therefore irrelevant and can be disregarded.

7.2. Cumulative impact on traffic volumes and movements of all development accessed from the proposed upgraded access road.

- 7.2.1. . The existing entrance off the R942 access road subject of the proposed development terminating and solely serving Steeltech Sheds at present and, further to implementation of the proposed development would have marginal impact in traffic volumes and turning movements along the access road and onto and off the R942.
- 7.2.2. It is asserted in the appeal that the planning authority has concerns about the adjoining permitted developments in third party ownership, particularly the filling station development. The proposed development is to serve the permitted filling station with a two-way access to the north, circa twenty metres back from the frontage on the R 942 and the permitted redevelopment and enlargement of the LIDL site to the south on the right, circa seventy metres from the frontage on the R942. The assertion in the appeals that the additional traffic movements were already been considered and deemed acceptable. prior to the determination of grants of planning permission for both permitted developments is noted and acknowledged.
- 7.2.3. The proposed development results in use of a new upgraded entrance serving and the permitted redevelopment of the LIDL site, generating the traffic volumes and turning movements predicted in the TIA included in the application. (P A Reg. Ref. 17/1320 refers.) Any outstanding minor design details can be addressed by condition. There is no certainty as to when and if the grant of permission for the LIDL redevelopment and until such time the existing LIDL entrance along with the associated road markings on the R942 for turning lane would continue in use.
- 7.2.4. Similarly, there is no certainty as to if, and when the grant of permission for the filling station which includes provision for two, two-way entrances, on at the north and the other at southern end (P.A. Reg. Ref. 16/437 refers). It is agreed with the applicant that the detailed design and layout for the two-way access for the filling station and the proposed upgraded route subject of the current application to be upgraded is a relatively minor matter and there is no objection to the finalisation of the design details by way of compliance with a condition.
- 7.2.5. The rationale for the planning authority position that the proposed development is premature pending implementation of the grant of permission for the permitted filling station is unclear. However, it is considered that the proposed development can be implemented being conditional on completion of the permitted filling station development including the two-way access onto the R942 at the northern end and

internal layout and circulation within the site of the filling station prior to the tie in for access to the internal access road being made operational.

7.3. Impact on Inner Relief Routes Scheme.

- 7.3.1. The references in the appeal to the inner relief route scheme and inner relief routes have been noted and it is agreed that there is no apparent potential conflict with the delivery and future operational capacity of the routes as provided for in the policies and objectives in the LAP. The route corridor which is in an east-west direction is located circa 150 to 200 metres to the south of the site.

7.4. Public safety at entrance onto R942.

- 7.4.1. Finally, it is noted that the applicant decided that preparation of a road safety audit specifically for the proposed development unnecessary and that the RSA carried out for the permitted LIDL redevelopment and included in the further information submission was sufficient. However, inclusion of a condition incorporating the recommendation of the internal roads engineer in an email dated 26th January 2018 for submission of an RSA which specifically addresses pedestrian safety with encroachment on opposite lanes due to narrowing of the access for HGVs to and from the public road is advisable.

7.5. Appropriate Assessment.

The River Clare is circa 2 km from the site and is part of the Lough Corrib SAC (Site Code 000297). Having regard to limited scale and nature of the proposed development which entails upgrading and modification to an existing access road to serve a permitted filling station and redevelopment of the LIDL store in addition to Steel Tech Sheds, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the appeal be upheld and permission granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the location of the site in an urban area within the development boundary of the Tuam Local Area Plan, 2011-2017 according to which the subject lands are subject to the zoning objective: Commercial and Enterprise, it is considered that subject to the conditions set out below, the traffic movements on the R397 generated by proposed development onto which two, two way vehicular entrances for two adjoining permitted developments are to be connected, would be acceptable in terms of traffic safety and convenience and would not give rise to endangerment of public safety by reason of traffic hazard on the R942, would not adversely impact on the future provision and capacity of the inner relief routes scheme provided for within the said LAP, or the operational capacity of the national strategic road network and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th January, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, a Road Safety Audit and accompanying revised drawings, if required, for the proposed design and layout shown on Drawing SRC 105 103 lodged with the planning authority on 19th January 2018 providing for pedestrian safety and potential movement of HGVs to the opposite lane the recommendations on which shall be fully implemented.

Reason: In the interest of good traffic management and pedestrian and vehicular safety.

3. The entire access road, including provision for connecting two-way accesses to the adjoining developments permitted under P. A Reg/ Ref/ 17/1320 and P. A. 16/437, footpaths and kerbs, shall be completed in accordance with the detailed standards of the planning authority for such works. Full details of materials and finishes shall be agreed in writing prior to the commencement of the development. The proposed two-way access for the adjoining development permitted under P. A. Reg. Ref. 16/437 shall not be made operational until the implementation of said permitted development has been completed in entirety, to the satisfaction of the planning authority.

Reason: In the interest of the satisfactory integration of traffic circulation on and off the access road and road safety.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected unless authorised by a further grant of planning permission.

Reason: To facilitate planning review in the interest of the amenities of the area.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of amenity and orderly development.

Jane Dennehy
Senior Planning Inspector
6th June, 2018.